

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAWAAN PARHAM,
Plaintiff,

v.

WARDEN GERALD MAY, et al.,
Defendants.

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CIVIL ACTION
NO. 16-6148

ORDER

AND NOW, this 23rd day of April, upon consideration of Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (ECF No. 41) and Plaintiff's Response in Opposition (ECF No. 42), and for the reasons stated in the Court's accompanying Memorandum, it is hereby ORDERED that Defendant's Motion is GRANTED IN PART and DENIED IN PART, as follows:

1. Defendants' Motion is GRANTED as to Count I in Plaintiff's Third Amended Complaint (ECF No. 39). The claim set forth in Count I is DISMISSED WITH PREJUDICE.
2. With respect to Counts II, III, and IV, Defendants' Motion is DENIED as to Correctional Officers Velazquez and Roseberry.
3. Warden Gerald May is DISMISSED as to Counts II, III, and IV, to the extent that he is sued in his individual capacity.
4. With respect to Counts II, III, and IV, Defendants' Motion is DENIED as to Warden Gerald May, to the extent that he is sued in his official capacity.

BY THE COURT:

/s/ C. Darnell Jones, II
C. DARNELL JONES, II J.